

(1)(B) in cases that the Chief of Engineers determines appropriate.

**(h) Applicability**

This section shall apply to—

(1) project studies initiated during the 2-year period preceding November 8, 2007, and for which the array of alternatives to be considered has not been identified; and

(2) project studies initiated during the period beginning on November 8, 2007, and ending 12 years after November 8, 2007.

**(i) Reports**

**(1) Initial report**

Not later than 3 years after November 8, 2007, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section.

**(2) Additional report**

Not later than 6 years after November 8, 2007, the Chief of Engineers shall update the report under paragraph (1) taking into account any further information on implementation of this section and submit such updated report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**(j) Nonapplicability of FACA**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer review panel established under this section.

**(k) Savings clause**

Nothing in this section shall be construed to affect any authority of the Chief of Engineers to cause or conduct a peer review of a water resources project existing on November 8, 2007.

**(l) Definitions**

In this section, the following definitions apply:

**(1) Project study**

The term “project study” means—

(A) a feasibility study or reevaluation study for a water resources project, including the environmental impact statement prepared for the study; and

(B) any other study associated with a modification of a water resources project that includes an environmental impact statement, including the environmental impact statement prepared for the study.

**(2) Affected State**

The term “affected State”, as used with respect to a water resources project, means a State all or a portion of which is within the drainage basin in which the project is or would be located and would be economically or environmentally affected as a consequence of the project.

**(3) Eligible organization**

The term “eligible organization” means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of title 26;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

**(4) Total cost**

The term “total cost”, as used with respect to a water resources project, means the cost of construction (including planning and designing) of the project. In the case of a project for hurricane and storm damage reduction or flood damage reduction that includes periodic nourishment over the life of the project, the term includes the total cost of the nourishment.

(Pub. L. 110–114, title II, §2034, Nov. 8, 2007, 121 Stat. 1086; Pub. L. 113–121, title I, §1044, June 10, 2014, 128 Stat. 1250.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(5)(A)(iv), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (j), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2014—Subsec. (a)(3)(A)(i). Pub. L. 113–121, §1044(a), substituted “\$200,000,000” for “\$45,000,000”.

Subsec. (b)(3), (4). Pub. L. 113–121, §1044(b), added par. (3) and redesignated former par. (3) as (4).

Subsec. (c)(4). Pub. L. 113–121, §1044(c), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: “Upon identification of a project study for peer review under this section, but prior to initiation of the review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review.”

Subsec. (f)(2), (3). Pub. L. 113–121, §1044(d), added pars. (2) and (3) and struck out former par. (2) which related to public availability and transmittal to Congress of a report on a project study from a panel of experts under this section.

Subsec. (h)(2). Pub. L. 113–121, §1044(e), substituted “12 years” for “7 years”.

**§ 2344. Safety assurance review**

**(a) Projects subject to safety assurance review**

The Chief of Engineers shall ensure that the design and construction activities for hurricane and storm damage reduction and flood damage reduction projects are reviewed by independent experts under this section if the Chief of Engineers determines that a review by independent experts is necessary to assure public health, safety, and welfare.

**(b) Factors**

In determining whether a review of design and construction of a project is necessary under this

section, the Chief of Engineers shall consider whether—

- (1) the failure of the project would pose a significant threat to human life;
- (2) the project involves the use of innovative materials or techniques;
- (3) the project design lacks redundancy; or
- (4) the project has a unique construction sequencing or a reduced or overlapping design construction schedule.

**(c) Safety assurance review**

**(1) Initiation of review**

At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this section, the Chief of Engineers shall initiate a safety assurance review by independent experts on the design and construction activities for the project.

**(2) Selection of reviewers**

A safety assurance review under this section shall include participation by experts selected by the Chief of Engineers from among individuals who are distinguished experts in engineering, hydrology, or other appropriate disciplines. The Chief of Engineers shall apply the National Academy of Science's policy for selecting reviewers to ensure that reviewers have no conflict of interest with the project being reviewed.

**(3) Compensation**

An individual serving as an independent reviewer under this section shall be compensated at a rate of pay to be determined by the Secretary and shall be allowed travel expenses.

**(d) Scope of safety assurance reviews**

A safety assurance review under this section shall include a review of the design and construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a regular schedule sufficient to inform the Chief of Engineers on the adequacy, appropriateness, and acceptability of the design and construction activities for the purpose of assuring public health, safety, and welfare. The Chief of Engineers shall ensure that reviews under this section do not create any unnecessary delays in design and construction activities.

**(e) Safety assurance review record**

The written recommendations of a reviewer or panel of reviewers under this section and the responses of the Chief of Engineers shall be available to the public, including through electronic means on the Internet.

**(f) Applicability**

This section shall apply to any project in design or under construction on November 8, 2007, and to any project with respect to which design or construction is initiated during the period beginning on November 8, 2007, and ending 7 years after November 8, 2007.

**(g) Nonapplicability of FACA**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.

(Pub. L. 110–114, title II, §2035, Nov. 8, 2007, 121 Stat. 1091; Pub. L. 113–121, title III, §3028, June 10, 2014, 128 Stat. 1305.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2014—Subsec. (g). Pub. L. 113–121 added subsec. (g).

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

**§ 2345. Electronic submission of permit applications**

**(a) In general**

Not later than 2 years after November 8, 2007, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Secretary.

**(b) Limitations**

This section does not preclude the submission of a physical copy.

**(c) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$3,000,000.

(Pub. L. 110–114, title II, §2040, Nov. 8, 2007, 121 Stat. 1100.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

**§ 2346. Project administration**

**(a) Project tracking**

The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary to be used by each Federal agency throughout the life of the project.

**(b) Report repository**

**(1) In general**

The Secretary shall provide to the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

**(2) Availability to public**

Each document described in paragraph (1) shall be made available to the public, and an